

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PILLANI COTNER PHILLIPS, et al.

Plaintiff,

v.

WAL-MART STORES EAST, LP

Defendant.

Civil No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Wal-Mart Stores East, LP, (“Wal-Mart” or “Defendant”), named as Defendant in the action styled *Piilani Cotner Phillips, et al. v. Wal-Mart Stores East, LP*, Case No. CL-2019-0008682, which is currently pending in the Circuit Court for Fairfax County, Virginia (the “State Court Action”), hereby removes the State Court Action pursuant to 28 U.S.C. §§ 1441(b) and 1446 and further states as follows in support of this Notice of Removal:

1. The Defendant is in receipt of a copy of a Complaint filed by Plaintiff in the State Court Action and served upon Defendant on July 5, 2019. A copy of the Complaint, summons and service of process transmittal is attached hereto as Exhibit A. Other than the original Complaint, no other process, pleading and/or orders have been served on Defendant in the State Court Action.

2. 28 U.S.C. §(a) provides, in pertinent part, that:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States

3. Upon information and belief, Plaintiffs Piilani Cotner Phillips, Jack Cotner Phillips, and Lili'u Alohilani Cotner Phillips are citizen of the Commonwealth of Virginia, and are not citizens of the State of Delaware or the State of Arkansas.

4. Defendant Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner and WSE Investment, LLC is the limited partner. The principal place of business for all entities identified in Paragraph 4 is Bentonville, Arkansas.

5. A trial of the State Court Action has yet to take place.

6. Plaintiffs' combined prayer for relief against Defendant is in the amount of three hundred thousand dollars (\$300,000.00).

9. Thus, the Plaintiff and the Defendant have different state citizenship, the amount in controversy exceeds \$75,000.00, and this court possesses diversity jurisdiction.

10. As set forth in 28 U.S.C. § 127(a), the United States District Court for the Eastern District of Virginia embraces the geographic region where the State Court Action is pending.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of removal of the State Court Action to all known parties and the Clerk of the Prince William County Circuit Court in the form appended hereto has Exhibit B.

Accordingly, Defendant has complied with all applicable terms of 28 U.S.C. § 1446 and is entitled to removal of the State Court Action to this Court.

Dated: July 26, 2019

Respectfully submitted,

/s/ John M. Murdock
John M. Murdock (VSB # 26647)
POTTER & MURDOCK, P.C.
400 S. Maple Ave., Suite 210
Falls Church, Virginia 22046
Tel: (703) 992-6950
Fax: (703) 832-0211
Email: jmurdock@pottermurdock.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 2019, a copy of the foregoing was filed via the court's ECF system and mailed to the following via U.S. First Class Mail:

Daniel Poretz
King, Campbell & Poretz, PLLC
108 North Alfred Street
Alexandria, VA 22314
Counsel for Plaintiff

/s/ John M. Murdock
John M. Murdock